



NEW YORK
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June 8, 2017

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USDA-AMS-NOP
Room 2642-So., Ag Stop 0268
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Submitted via <http://www.regulations.gov>

Re: Docket No. AMS-NOP-17-0031-0002; NOP-15-06A; RIN 0581-AD74 (National Organic Program; Organic Livestock and Poultry Practices)

Dear Dr. Leis:

The Committee on Animal Law of the New York City Bar Association (the “Committee” or “ALC”) submits this comment on the above-referenced rule proposed by the United States Department of Agriculture (“USDA”) Agricultural Marketing Service (“AMS”). Under this proposed rule, the USDA is soliciting public comment on four options concerning the implementation of a rule adopted during the previous administration that would provide heightened standards for the living conditions, physical alteration, medical care, handling, transport, and slaughter of organically raised farmed animals (the “Rule”) by amending the National Organic Program Organic Livestock and Poultry Practices at 7 CFR Part 205.¹ As explained below, the Committee supports the USDA’s first option: “Let the rule become effective. This means that the rule would become effective on November 14, 2017.”

The New York City Bar Association is an independent non-governmental organization of more than 24,000 lawyers, law professors and government officials, predominantly from New York City but also from throughout the United States and fifty other countries. The Committee is the first committee of its kind in the country and has a history of supporting federal, state, and

¹ Organic Livestock and Poultry Practices, Fed. Reg. 2017-09410 (May 11, 2017), <https://www.regulations.gov/document?D=AMS-NOP-17-0031-0002> (referred to herein as the “Notice” or, as the “Proposed Rule” as appropriate). (All Internet citations herein last visited May 29, 2017.)

local anti-cruelty legislation, as well as commenting on proposed administrative rules affecting animal welfare and public health, including laws and regulations relating to the treatment of farmed animals. The Committee submitted a comment in support of the proposed changes to the rules governing the Organic Livestock and Poultry practices in 2016.²

The Committee supports the implementation of the Rule because heightened standards for the handling, living conditions, transport, and slaughter of organically raised farmed animals are necessary to (i) establish consistent animal welfare standards for organically raised farmed animals; and (ii) satisfy consumer expectations that organically raised farmed animals meet a uniform and verifiable animal welfare standard. The Proposed Rule would heighten the standards required for livestock handling, transport for slaughter, and avian living conditions, and expand and clarify existing requirements covering livestock health care practices and mammalian living conditions.

Some factory farms oppose the Rule, and their representatives have pressured the administration not to implement the Rule.³ We note that compliance with the Rule is voluntary. No one is forced to participate in the National Organic Program. And participants in the National Organic Program largely support the implementation of the Rule, including the Organic Trade Association (which represents over 9,500 organic businesses in the U.S.),⁴ roughly 350 certified organic beef, pork, dairy, and poultry producers,⁵ and the Accredited Certifiers Association, Inc.⁶

In addition, consumer advocacy organizations such as Consumers Union⁷ support the implementation of the Rule. And animal-welfare organizations, such as the Humane Society of the United States⁸ and the ASPCA⁹ support implementation of the Rule.

² The Committee's comment in support of the proposed changes to the rules governing the Organic Livestock and Poultry Practices is available on-line at <http://www2.nycbar.org/pdf/report/uploads/20073125-USDepartmentofAgricultureproposedregulationsreorganiclivestockandpoultryANIMALS6.13.16.pdf>.

³ Press Release, Representative K. Michael Conaway, Chair, Agriculture Committee, Chairman Conaway Disappointed in Organic Animal Welfare Rule (Jan. 18, 2017), <https://agriculture.house.gov/news/documentsingle.aspx?DocumentID=3625>.

⁴ Press Release, Organic Trade Association, OTA opposes further delay of Organic Livestock and Poultry Practices rule (May 10, 2017), <https://www.ota.com/news/press-releases/19660#sthash.VvdS4AhX.dpuf>.

⁵ Letter to Sonny Perdue, Secretary of Agriculture from Holcroft Farm, *et al.* (Apr. 28, 2017), https://ota.com/sites/default/files/indexed_files/Organic%20Livestock%20and%20Poultry%20Producer%20Letter.pdf.

⁶ Letter to Sonny Perdue, Secretary of Agriculture, from Kyla Smith, Chair, Accredited Certifiers Association, Inc. (undated), https://ota.com/sites/default/files/indexed_files/Final%20-%20Letter%20to%20Secretary%20Perdue%20-%20Organic%20Livestock%20and%20Poultry%20Pract....pdf.

⁷ Letter to Sonny Perdue, Secretary of Agriculture, from Charlotte Vallaeys, Senior Policy Analyst, Consumer Reports (May 8, 2017), <http://consumersunion.org/wp-content/uploads/2017/05/Consumers-Union-OLPP-Letter-May-8-2017.pdf>.

⁸ Wayne Pacelle, Humane Society of the United States, Organic standards under attack in the field and in Washington, D.C. (May 3, 2017), <http://blog.humanesociety.org/wayne/2017/05/organic-standards-attack-field-washington-d-c.html>.

For these reasons, the Committee supports the USDA's first option: "Let the rule become effective. This means that the rule would become effective on November 14, 2017."

Respectfully submitted,



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Chair, Committee on Animal Law

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⁹ Press Release, ASPCA (Apr. 24, 2017), https://ota.com/sites/default/files/indexed_files/Organic%20Livestock%20and%20Poultry%20Producer%20Letter.pdf.